

a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section.

(July 14, 1956, ch. 588, 70 Stat. 531.)

#### REFERENCES IN TEXT

The Johnson-O'Malley Act of June 4, 1936, referred to in text, probably means act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended generally by act June 4, 1936, ch. 490, 49 Stat. 1458, which is classified to sections 452 to 457 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

#### CODIFICATION

Section is composed of sections 1 to 4 of joint resolution July 14, 1956.

#### ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

### § 304b. Deposits of funds of students and student activity associations in Indian schools

The Secretary of the Interior may authorize officials or employees of the Bureau of Indian Affairs to accept and to disburse deposits of funds of students and student activity associations in schools operated by the Bureau of Indian Affairs in accordance with the purposes of such deposits. Such deposits and disbursements shall be accounted for under rules and regulations prescribed by the Secretary of the Interior.

(Pub. L. 86-16, Apr. 27, 1959, 73 Stat. 20.)

### CHAPTER 7A—PROMOTION OF SOCIAL AND ECONOMIC WELFARE

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| 306.      | Expenditures for encouragement of industry and self-support; repayment.          |
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| 309.      | Vocational training program; eligibility; contracts or agreements.               |
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### § 305. Indian Arts and Crafts Board; creation and composition; per diem payments

A board is created in the Department of the Interior to be known as "Indian Arts and Crafts Board", and hereinafter referred to as the Board. The Board shall be composed of five commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after August 27, 1935 and shall continue in office, two for a term of two years, one for a term of three years, and two for a term of four years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of four years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commissioners as chairman. One or two vacancies on the Board shall not impair the right of the remaining commissioners to exercise all the powers of the Board.

The commissioner shall serve without compensation: *Provided*, That each Commissioner shall be paid per diem in lieu of subsistence and other expenses at a rate that does not exceed the rate authorized by section 5703 of title 5 to be paid to persons serving without compensation.

(Aug. 27, 1935, ch. 748, §1, 49 Stat. 891; Pub. L. 87-23, §1, Apr. 24, 1961, 75 Stat. 45.)

#### CODIFICATION

"Section 5703 of title 5" substituted in text for "the Act of August 2, 1946 (60 Stat. 808) as heretofore or hereafter amended (5 U.S.C. 73b-2)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### AMENDMENTS

1961—Pub. L. 87-23 substituted authorization for payment of per diem to Board members at the rate authorized for other persons serving without compensation for former provision reimbursing actual expenses, including travel expenses, subsistence and office overhead, incurred incidental to performance of duties.

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-497, §1, Nov. 9, 2000, 114 Stat. 2219, provided that: "This Act [amending section 305e of this title] may be cited as the 'Indian Arts and Crafts Enforcement Act of 2000'."

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-644, title I, §101, Nov. 29, 1990, 104 Stat. 4662, provided that: "This title [enacting sections 305d and 305e of this title, amending section 305a of this title and sections 1158 and 1159 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a

note under section 305e of this title] may be cited as the 'Indian Arts and Crafts Act of 1990'."

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 305a. Promotion of economic welfare through development of arts and crafts; powers of Board

It shall be the function and the duty of the Secretary of the Interior through the Board to promote the economic welfare of the Indian tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship. In the execution of this function the Board shall have the following powers: (a) To undertake market research to determine the best opportunity for the sale of various products; (b) to engage in technical research and give technical advice and assistance; (c) to engage in experimentation directly or through selected agencies; (d) to correlate and encourage the activities of the various governmental and private agencies in the field; (e) to offer assistance in the management of operating groups for the furtherance of specific projects; (f) to make recommendations to appropriate agencies for loans in furtherance of the production and sale of Indian products; (g)(1) to create for the Board, or for an individual Indian or Indian tribe or Indian arts and crafts organization, trademarks of genuineness and quality for Indian products and the products of an individual Indian or particular Indian tribe or Indian arts and crafts organization; (2) to establish standards and regulations for the use of Government-owned trademarks by corporations, associations, or individuals, and to charge for such use under such licenses; (3) to register any such trademark owned by the Government in the United States Patent and Trademark Office without charge and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and (4) to pursue or defend in the courts any appeal or proceeding with respect to any final determination of that office; (h) to employ executive officers, including a general manager, and such other permanent and temporary personnel as may be found necessary, and prescribe the authorities, duties, responsibilities, and tenure and fix the compensation of such officers and other employees: *Provided*, That chapter 51 and subchapter III of chapter 53 of title 5 shall be applicable to all permanent employees and that all employees shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Director of the Office of Personnel Management; (i) as a Government agency to negotiate and execute in its own name contracts with operating groups to supply management, personnel, and supervision at cost, and to negotiate and execute in its own name such other contracts and to carry on such other business as may be necessary for the accomplishment of the duties and purposes of the Board: *Provided*, That

nothing in the foregoing enumeration of powers shall be construed to authorize the Board to borrow or lend money or to deal in Indian goods. For the purposes of this section, the term "Indian arts and crafts organization" means any legally established arts and crafts marketing organization composed of members of Indian tribes.

(Aug. 27, 1935, ch. 748, §2, 49 Stat. 891; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-644, title I, §102, Nov. 29, 1990, 104 Stat. 4662.)

#### REFERENCES IN TEXT

The civil-service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

#### CODIFICATION

The proviso in clause (h) originally provided that the Classification Act of 1923, as amended, shall be applicable to all permanent employees except executive officers, and that all employees other than executive officers shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Civil Service Commission. The exception of "executive officers" has been omitted as obsolete and superseded.

Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception in clause (h) because of section 1106(b) which provided that the application of the 1949 Act to any position, officers, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, §8(a), 80 Stat. 632 (of which section 1 revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

Such appointments are subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, §1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5.

"Chapter 51 and subchapter III of chapter 53 of title 5" substituted in text for "the Classification Act of 1949, as amended" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

#### AMENDMENTS

1990—Pub. L. 101-644, §102(1), in first sentence, substituted "the Secretary of the Interior through the Board" for "the Board" and "Indian individuals" for "the Indian wards of the Government".

Pub. L. 101-644, §102(2), in second sentence, amended cl. (g) generally. Prior to amendment, cl. (g) read as follows: "to create Government trade marks of genuineness and quality for Indian products and the products of particular Indian tribes or groups; to establish standards and regulations for the use of such trade marks; to license corporations, associations, or individuals to use them; and to charge a fee for their use; to register them in the United States Patent Office without charge;"

Pub. L. 101-644, §102(3), inserted sentence at end defining "Indian arts and crafts organization".

1949—Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

#### REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

#### TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “Civil Service Commission” in cl. (h), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4302 of this title; title 18 section 1158.

### § 305a-1. Additional powers of Board; admission fees, rent, franchise fees and other fundraising activities; volunteers; transfer of revenues into special fund

In fiscal year 1997 and thereafter, the Indian Arts and Crafts Board may charge admission fees at its museums; charge rent and/or franchise fees for shops located in its museums; publish and sell publications; sell or rent or license use of photographs or other images in hard copy or other forms; license the use of designs, in whole or in part, by others; charge for consulting services provided to others; and may accept the services of volunteers to carry out its mission: *Provided*, That all revenue derived from such activities is covered into the special fund established by section 305c of this title.

(Pub. L. 104-208, div. A, title I, §101(d) [title I, §118], Sept. 30, 1996, 110 Stat. 3009-181, 3009-202.)

### § 305b. Rules and regulations; submission to Secretary of the Interior

The Board shall prescribe from time to time rules and regulations governing the conduct of its business and containing such provisions as it may deem appropriate for the effective execution and administration of the powers conferred upon it by this Act: *Provided*, That before prescribing any procedure for the disbursement of money the Board shall advise and consult with the General Accounting Office: *Provided further*, That all rules and regulations proposed by the Board shall be submitted to the Secretary of the Interior and shall become effective upon his approval.

(Aug. 27, 1935, ch. 748, § 3, 49 Stat. 892.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 27, 1935, ch. 748, 49 Stat. 891, as amended, which is classified generally to section 305 et seq. of this title. For complete classification of this Act to the Code, see Tables.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Disbursement functions of all Government agencies, except Departments of the Army, Navy, and Air Force and Panama Canal, transferred to Division of Disbursements, Department of the Treasury, by Ex. Ord. No. 6166, § 4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934. Division subsequently consolidated with other agencies into the Fiscal Service in Department of the Treasury by Reorg. Plan No. III of 1940, §1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

### § 305c. Appropriation

There is authorized to be appropriated out of any sums in the Treasury not otherwise appropriated such sums as may be necessary to defray the expenses of the Board and carry out the purposes and provisions of this Act. All income derived by the Board from any source shall be covered into the Treasury of the United States and shall constitute a special fund which is appropriated and made available until expended for carrying out the purposes and provisions of this Act. Out of the funds available to it at any time the Board may authorize such expenditures, consistent with the provisions of this Act, as it may determine to be necessary for the accomplishment of the purposes and objectives of this Act.

(Aug. 27, 1935, ch. 748, § 4, 49 Stat. 892.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 27, 1935, ch. 748, 49 Stat. 891, as amended, which is classified generally to section 305 et seq. of this title. For complete classification of this Act to the Code, see Tables.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 305a-1 of this title.

### § 305c-1. Repealed. Pub. L. 87-23, § 2, Apr. 24, 1961, 75 Stat. 45

Section, act May 10, 1939, ch. 119, § 1, 53 Stat. 699, provided for a limitation of \$10 per diem in lieu of subsistence on amount that may be paid to members of the Indian Arts and Crafts Board. See section 305 of this title.

### § 305d. Referral for criminal and civil violations; complaints; recommendations

(a) The Board may receive complaints of violations of section 1159 of title 18 and refer complaints of such violations to the Federal Bureau of Investigation for appropriate investigation. After reviewing the investigation report, the Board may recommend to the Attorney General of the United States that criminal proceedings be instituted under that section.

(b) The Board may recommend that the Secretary of the Interior refer the matter to the Attorney General for civil action under section 305e of this title.

(Aug. 27, 1935, ch. 748, §5, as added Pub. L. 101-644, title I, §103, Nov. 29, 1990, 104 Stat. 4662.)

#### PRIOR PROVISIONS

A prior section, act Aug. 27, 1935, ch. 748, §5, 49 Stat. 892, related to counterfeiting of a trade mark and penalty, prior to repeal by act June 25, 1948, ch. 645, §21, 62 Stat. 862, effective Sept. 1, 1948. See section 1158 of Title 18, Crimes and Criminal Procedure.

### § 305e. Cause of action for misrepresentation of Indian produced goods

#### (a) Injunctive or equitable relief; damages

A person specified in subsection (c) of this section may, in a civil action in a court of competent jurisdiction, bring an action against a person who, directly or indirectly, offers or displays for sale or sells a good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States, to—

(1) obtain injunctive or other equitable relief; and

(2) recover the greater of—

(A) treble damages; or

(B) in the case of each aggrieved individual Indian, Indian tribe, or Indian arts and crafts organization, not less than \$1,000 for each day on which the offer or display for sale or sale continues.

For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.

#### (b) Punitive damages; attorney's fee

In addition to the relief specified in subsection (a) of this section, the court may award punitive damages and the costs of suit and a reasonable attorney's fee.

#### (c) Persons who may initiate civil actions

(1) A civil action under subsection (a) of this section may be commenced—

(A) by the Attorney General of the United States upon request of the Secretary of the Interior on behalf of an Indian who is a member of an Indian tribe or on behalf of an Indian tribe or Indian arts and crafts organization;

(B) by an Indian tribe on behalf of itself, an Indian who is a member of the tribe, or on behalf of an Indian arts and crafts organization; or

(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.

(2) Any amount recovered pursuant to this section shall be paid to the individual Indian, Indian tribe, or Indian arts and crafts organization, except that—

(A) in the case of paragraph (1)(A), the Attorney General may deduct from the amount recovered—

(i) the amount for the costs of suit and reasonable attorney's fees awarded pursuant

to subsection (b) of this section and deposit the amount of such costs and fees as a reimbursement credited to appropriations currently available to the Attorney General at the time of receipt of the amount recovered; and

(ii) the amount for the costs of investigation awarded pursuant to subsection (b) of this section and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and

(B) in the case of paragraph (1)(B), the amount recovered for the costs of suit and reasonable attorney's fees pursuant to subsection (b) of this section may be deducted from the total amount awarded under subsection (a)(2) of this section.

#### (d) Definitions

As used in this section—

(1) the term "Indian" means any individual who is a member of an Indian tribe; or for the purposes of this section is certified as an Indian artisan by an Indian tribe;

(2) subject to subsection (f) of this section, the terms "Indian product" and "product of a particular Indian tribe or Indian arts and crafts organization" has the meaning given such term<sup>1</sup> in regulations which may be promulgated by the Secretary of the Interior;

(3) the term "Indian tribe" means—

(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or

(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority; and

(4) the term "Indian arts and crafts organization" means any legally established arts and crafts marketing organization composed of members of Indian tribes.

#### (e) Severability

In the event that any provision of this section is held invalid, it is the intent of Congress that the remaining provisions of this section shall continue in full force and effect.

#### (f) Regulations

Not later than 180 days after November 9, 2000, the Board shall promulgate regulations to include in the definition of the term "Indian product" specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.

(Aug. 27, 1935, ch. 748, §6, as added Pub. L. 101-644, title I, §105, Nov. 29, 1990, 104 Stat. 4664; amended Pub. L. 106-497, §2, Nov. 9, 2000, 114 Stat. 2219.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (f), is act Aug. 27, 1935, ch. 748, 49 Stat. 891, as amended, which is classified gen-

<sup>1</sup> So in original. Probably should be "terms".

erally to section 305 et seq. of this title. For complete classification of this Act to the Code, see Tables.

#### PRIOR PROVISIONS

A prior section, act Aug. 27, 1935, ch. 748, § 6, 49 Stat. 893, related to offering for sale without trade mark goods as Indian goods, prior to repeal by acts June 25, 1948, ch. 645, § 21, 62 Stat. 862; June 25, 1948, ch. 646, § 39, 62 Stat. 992, effective Sept. 1, 1948. See section 1159 of Title 18, Crimes and Criminal Procedure.

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-497, § 2(1), inserted “, directly or indirectly,” after “against a person who” in introductory provisions and inserted at end “For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.”

Subsec. (c)(1)(C). Pub. L. 106-497, § 2(2)(A), added subpar. (C).

Subsec. (c)(2)(A). Pub. L. 106-497, § 2(2)(B), designated existing text as cl. (i) and added cl. (ii).

Subsec. (d)(2). Pub. L. 106-497, § 2(3), inserted “subject to subsection (f) of this section,” before “the terms”.

Subsec. (f). Pub. L. 106-497, § 2(4), added subsec. (f).

#### CERTIFICATION OF INDIAN ARTISANS

Section 107 of Pub. L. 101-644 provided that: “For the purposes of section 1159 of title 18, United States Code, and section 6 of the Act entitled ‘An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes’ (25 U.S.C. 305 et seq.) [25 U.S.C. 305e] an Indian tribe may not impose a fee in certifying an individual as an Indian artisan. For the purposes of this section, the term ‘Indian tribe’ has the same meaning given such term in section 1159(c)(3) of title 18, United States Code.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 305d of this title.

### § 305f. Indian Arts and Crafts Board art collection

#### (a) Transfer of art collection and costs

Notwithstanding any other provision of law, the Secretary of the Interior is directed to transfer all right, title and interest in that portion of the Indian Arts and Crafts Board art collection maintained permanently by the Indian Arts and Crafts Board in Washington, District of Columbia, to the Secretary of the Smithsonian Institution to be a part of the collection of the National Museum of the American Indian, subject to subsection (b) of this section. Transfer of the collection and costs thereof shall be carried out in accordance with terms, conditions, and standards mutually agreed upon by the Secretary of the Interior and the Secretary of the Smithsonian Institution.

#### (b) Retention of permanent license to use of images

The Indian Arts and Crafts Board shall retain a permanent license to the use of images of the collection for promotional, economic development, educational and related nonprofit purposes. The Indian Arts and Crafts Board shall not be required to pay any royalty or fee for such license.

(Aug. 27, 1935, ch. 748, § 7, as added Pub. L. 105-277, div. A, § 101(e) [title III, § 356(a)], Oct. 21, 1998, 112 Stat. 2681-231, 2681-304.)

### § 306. Expenditures for encouragement of industry and self-support; repayment

On and after May 9, 1938, the expenditures for the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before the expiration of five years, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding twenty years, in the discretion of the Secretary of the Interior.

(May 9, 1938, ch. 187, § 1, 52 Stat. 302.)

### § 306a. Advances for support of old, disabled, or indigent allottees; lien against land

On and after May 9, 1938, the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their land until paid; such advances for the fiscal year 1939 to be made from the appropriations in this paragraph and those for fiscal years thereafter to be made from appropriations specifically available for such purposes.

(May 9, 1938, ch. 187, § 1, 52 Stat. 302.)

#### REFERENCES IN TEXT

This paragraph, referred to in text, means the first undesignated paragraph contained at 52 Stat. 302, and the appropriations for advances for the fiscal year 1939, referred to in text, were contained in such part of the undesignated paragraph which was not classified to the Code.

### §§ 307, 308. Omitted

#### CODIFICATION

Section 307, acts Mar. 17, 1949, ch. 22, § 1, 63 Stat. 14; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381, directed Administrator of General Services to transfer to Secretary of the Interior property known as Bushnell General Hospital, Brigham City, Utah, for use of Bureau of Indian Affairs as a vocational school for children and housing and training center for adults. Pub. L. 98-401, Aug. 27, 1984, 98 Stat. 1477, provided that when the Secretary ceases to use the property for school purposes, he shall publish the legal description of the property in the Federal Register and convey the property without consideration to Brigham City, Utah. The property was conveyed and notice was published in 50 F.R. 1636, Jan. 11, 1985.

Section 308, act Mar. 17, 1949, ch. 22, § 2, 63 Stat. 14, directed Secretary of the Interior to take over the property as soon as Congress appropriated funds for alterations, maintenance, and operation.

### § 309. Vocational training program; eligibility; contracts or agreements

In order to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment, the Secretary of the Interior is authorized to undertake a program of vocational training that provides for vocational counseling or guidance, institutional training in any recognized vocation or trade, apprenticeship, and on the job training, for periods that do not exceed twenty-four months, and, for

nurses' training, for periods that do not exceed thirty-six months, transportation to the place of training, and subsistence during the course of training. The program shall be available primarily to Indians who are not less than eighteen and not more than thirty-five years of age and who reside on or near an Indian reservation, and the program shall be conducted under such rules and regulations as the Secretary may prescribe. For the purposes of this program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, or with any private school which has a recognized reputation in the field of vocational education and has successfully obtained employment for its graduates in their respective fields of training, or with any corporation or association which has an existing apprenticeship or on-the-job training program which is recognized by industry and labor as leading to skilled employment, or with any school of nursing offering a three-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary.

(Aug. 3, 1956, ch. 930, §1, 70 Stat. 986; Pub. L. 88-230, §1(a), Dec. 23, 1963, 77 Stat. 471.)

#### AMENDMENTS

1963—Pub. L. 88-230 authorized Secretary of the Interior to undertake a program for nurses' training for periods not exceeding 36 months and to enter into contracts with accredited schools of nursing offering a 3-year course of study leading to a diploma in nursing.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13e, 309a of this title.

### § 309a. Authorization of appropriations

There is authorized to be appropriated for the purposes of sections 309 and 309a of this title the sum of \$25,000,000 for each fiscal year, and not to exceed \$1,500,000 of such sum shall be available for administrative purposes.

(Aug. 3, 1956, ch. 930, §2, 70 Stat. 986; Pub. L. 87-273, Sept. 22, 1961, 75 Stat. 571; Pub. L. 88-230, §1(b), Dec. 23, 1963, 77 Stat. 471; Pub. L. 89-14, Apr. 22, 1965, 79 Stat. 74; Pub. L. 90-252, Feb. 3, 1968, 82 Stat. 4.)

#### AMENDMENTS

1968—Pub. L. 90-252 increased appropriation from \$15,000,000 to \$25,000,000.

1965—Pub. L. 89-14 increased appropriation from \$12,000,000 to \$15,000,000.

1963—Pub. L. 88-230 increased appropriation from \$7,500,000 to \$12,000,000 and amount available for administrative purposes from \$1,000,000 to \$1,500,000.

1961—Pub. L. 87-273 increased appropriation to \$7,500,000 and amount available for administrative purposes to \$1,000,000.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13e of this title.

### § 309b. Vocational education funds

Notwithstanding any other provision of law, funds provided by the Bureau for adult vocational education to any vocational school (as defined for purposes of any program of assistance

to students under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.]) may be treated as non-Federal, private funds of such school for purposes of any provision of Federal law which requires that non-Federal or private funds of such school be used in a project or for a specific purpose.

(Pub. L. 100-297, title V, §5403(c), Apr. 28, 1988, 102 Stat. 416.)

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in text, is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§1001 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

#### EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

### § 310. Institute of American Indian and Alaska Native Culture and Arts Development

(a)(1) To the extent of the availability of funds for such purpose, the Secretary of the Interior shall:

(A) enter into a thirty-year agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the post-secondary fine arts and museum services programs of, the Institute of American Indian and Alaska Native Culture and Arts Development administered by the Bureau of Indian Affairs; and

(B) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian and Alaska Native Culture and Arts Development at the College of Santa Fe.

(2) The provisions of this subsection shall take effect on October 1, 1984.

(b)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs, is directed to conduct a study for the purpose of determining the need, if any, for a museum facility to be established for the benefit of the Institute of American Indian and Alaska Native Culture and Arts Development, the feasibility of establishing such museum, and the need or desirability, if any, to establish any such museum in close proximity to the facilities currently being used by such Institute at the College of Santa Fe.

(2) On or before February 1, 1985, the Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress.

(3) Should the study recommend establishment of a museum, and should the College of Santa Fe be selected as the best site, any agreement entered into by the Secretary of the Interior for construction of such museum shall contain assurances, satisfactory to the Secretary, that appropriate lands at the College of Santa Fe will be available at no cost to the Federal Government for the establishment of a museum facility.

(Pub. L. 98-306, §14, May 31, 1984, 98 Stat. 226; Pub. L. 99-498, title XV, §1514(c), Oct. 17, 1986, 100 Stat. 1608.)

#### AMENDMENTS

1986—Subsecs. (a)(1), (b)(1). Pub. L. 99-498 substituted “Institute of American Indian and Alaska Native Culture and Arts Development” for “Institute of American Indian Arts” wherever appearing.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 1514(f) of Pub. L. 99-498 provided that amendment made by Pub. L. 99-498 is effective Oct. 1, 1986.

### CHAPTER 8—RIGHTS-OF-WAY THROUGH INDIAN LANDS

Sec.	
311.	Opening highways.
312.	Rights-of-way for railway, telegraph, and telephone lines; town-site stations.
313.	Width of rights-of-way.
314.	Survey; maps; compensation.
315.	Time for completion of road; forfeiture.
316.	Rights of several roads through canyons.
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321.	Rights-of-way for pipe lines.
322.	Applicability of certain provisions to Pueblo Indians.
322a.	Renewal of rights-of-way without consent of Pueblo Tribes; authority of Secretary; compensation, etc.
323.	Rights-of-way for all purposes across any Indian lands.
324.	Consent of certain tribes; consent of individual Indians.
325.	Payment and disposition of compensation.
326.	Laws unaffected.
327.	Application for grant by department or agency.
328.	Rules and regulations.

#### § 311. Opening highways

The Secretary of the Interior is authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indian under any laws or treaties but which have not been conveyed to the allottee with full power of alienation.

(Mar. 3, 1901, ch. 832, §4, 31 Stat. 1084.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 322 of this title.

#### § 312. Rights-of-way for railway, telegraph, and telephone lines; town-site stations

A right of way for a railway, telegraph, and telephone line through any Indian reservation in any State or Territory, except Oklahoma, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have

been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of sections 312 to 318 of this title and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under said sections until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby: *Provided, also*, That as a condition precedent to each and every grant of a right of way under authority of said sections, each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way.

(Mar. 2, 1899, ch. 374, §1, 30 Stat. 990; Feb. 28, 1902, ch. 134, §23, 32 Stat. 50; June 25, 1910, ch. 431, §16, 36 Stat. 859.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 314, 316, 317, 318, 322, 353, 406, 564h, 697, 747, 797, 843 of this title.

#### § 313. Width of rights-of-way

Such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, sidetracks, turn-outs, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road.

(Mar. 2, 1899, ch. 374, §2, 30 Stat. 990; June 21, 1906, ch. 3504, 34 Stat. 330.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 312, 314, 316, 317, 318, 322 of this title.

#### § 314. Survey; maps; compensation

The line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or na-